

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:09-CR-00020-F-1

No. 5:14-CV-00306-F

SIRONDA LAVYREE SANDERS,)
 Petitioner,)
)
 v.)
)
UNITED STATES OF AMERICA,)
 Respondent.)

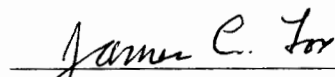
ORDER

This matter is before the court on Sironda Lavryee Sanders' Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-57]. The court has conducted an examination of Sanders' § 2255 motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings and concludes that dismissal is not warranted at this time. Therefore, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 motion within forty (40) days of the filing of this Order.

The court notes that Sanders has arguably made a challenge based on *United States v. Simmons*, 649 F.3d 237 (4th Cir. 2011) (en banc). Therefore, pursuant to Standing Order No.11-SO-3 (E.D.N.C. Oct. 18, 2011), the Office of the Federal Public Defender is appointed to represent Sanders in connection with these proceedings. The Clerk is DIRECTED to serve the Office of the Federal Public Defender with a copy of this Order.

SO ORDERED.

This, the 22nd day of July, 2014



James C. Fox
Senior United States District Judge